UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,444	03/14/2001	George E. Carter	2001P04445US	5223

7590 01/23/2007	EXAMINER
Siemens Corporation	PARK, ILWOO

Attn. Elsa Keller, Legal Administrator
Intellectual Property Department
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ART UNIT	PAPER NUMBER
2182	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 November 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,7-9,11,12,14,15,17,20-24 and 27-48* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,7-9,11,12,14,15,17,20-24 and 27-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

11/2/2006 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 3, 7-9, 11, 12, 14, 15, 17, 20-24,

27-29, 30-48 have been considered but are moot in view of the new ground(s) of

rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1, 3, 7, 8, 11, 12, 14, 15, 17, 20-22, 24, 27, 29-34, 36-42, 44, 46, 47 are

rejected under 35 U.S.C. 102(e) as being anticipated by Kolls (PG Pub #US

2001/0016819 A1).

5.   Regarding claims 1 and 24, Kolls discloses a remote information capture system

(system 500; hardware details shown in figure 4, various hardware embodiments shown

in figures 3A-3F, paragraph 50, various methods shown in figures 9-18) for the capture,

storage and manipulation of remote information, the system comprising:

a portable remote information capture device (cellphone embodiment shown in

figure 3F, paragraph 61-62, Kolls also discloses that system 500 can be a laptop, palm,

or digital camera; paragraph 50) located at a remote site for capturing remote

information comprising consumer personal data (identification data or biometrics data)

and consumer preference data (customer advertising data; figure 15; customer input for

service or help, figure 14; customer shopping data, figure 9B), the portable remote

information capture device comprising:

a reader (smart card reader 548, magnetic card reader 550, etc) for capturing the

consumer personal data encoded on a consumer's identification (paragraph 57, 161),

an entry module (mouse/keyboard means 510, voice/handwriting capture means

534, keypad 540, etc) useable by an operator for entering the consumer preference

data (paragraph 45, 55, methods in figures 9B, 14, and 15);

a computer system (a server 632, vending machine 640, or any other computer

system connected to system 500, shown in figure 5) accessible by the portable remote

information capture device operative to store the captures remote information (server

example detailed in paragraph 157);

a computer program operative to manipulate the captured remote information

(paragraph 44).

6.   Regarding claim 3, Kolls discloses the remote information capture system

according to claim 1, wherein the reader includes a bar code reader (figure 4, bar code

reader).

7.   Regarding claim 7, Kolls discloses the remote information capture system

according to claim 1, wherein the portable remote information capture device is a

wireless device (cell phone example figure 3F, LAN network connection means in figure

4) accessing the computer system wirelessly (paragraphs 66-67).

8.   Regarding claim 8, Kolls discloses the remote information capture system

according to claim 1, and Kolls further discloses wherein the remote information capture

system further comprises a verification module for verifying the captured consumer

personal data (paragraphs 45, 70).

9.   Regarding claim 11, Kolls discloses the remote information capture system

according to claim 1, and Kolls further discloses a signature capture module for

capturing patron signatures (figure 4, element 534; paragraph 83).

10.   Regarding claim 12, Kolls discloses the remote information capture system

according to claim 1, and Kolls further discloses wherein the reader includes a magnetic

stripe reader (figure 4, element 550).

11.   Regarding claim 14, Kolls discloses the remote information capture system

according to claim 1, and Kolls further discloses wherein the portable remote

information capture device further comprises a consumer interface for consumer

participation (figure 4, keypad, display means, camera, speakers are all patron

interfaces for patron to interact with the system).

12.   Regarding claim 15, Kolls discloses the remote information capture system
according to claim 1, and Kolls further discloses wherein the portable remote
information capture device further comprises a fraudulent use detector (figure 4, alarm,
paragraph 78).

13.   Regarding claim 17, Kolls discloses the remote information capture system
according to claim 1, and further discloses wherein the portable remote information
capture device is uploaded with one or more global rules (paragraph 68, program code,
service data, transaction data).

14.   Regarding claim 20, Kolls discloses the remote information capture system
according to claim 1, and further discloses wherein the portable remote information
capture device comprises a privacy consent module for capturing consumer privacy
consent approval. The examiner notes that privacy consent for capturing patron
approval is necessary through state or federal regulations, and therefore would be a
necessary function before capturing or sharing personal information through e-
commerce.

15.   Regarding claim 21, Kolls discloses the remote information capture system
according to claim 1, and further discloses wherein the remote information capture
device further comprises a digital camera for capturing consumer photos (figure 4,
camera).

16.   Regarding claim 22, Kolls discloses the remote information capture system
according to claim 1, and further discloses wherein the remote information is security
rounds data (paragraph 78).

17.   Regarding claim 27, Kolls discloses the remote information capture system
according to claim 11, and further discloses wherein the signature capture module
comprises: a module for storing the captured signature in a binary signature file format;
and a module for reading the binary signature file format and creating an image of the
captured signature (paragraph 83). Examiner notes that signature capture devices by
definition operate with a stylus and save signatures as a bitmap image.

18.   Regarding claim 29, Kolls discloses the remote information capture system
according to claim 1, and further discloses wherein the information capture device
further comprises: a module (display means 580, 582) for providing an image
information screen, the image information screen useable by the operator for
associating the captured consumer photo with the consumer personal data (paragraph
94 and 98). Examiner notes that image files on computers can be renamed and
therefore Kolls system can perform the functions claimed.

19.   Regarding claim 30, Kolls discloses the remote information capture system
according to claim 1, and further discloses wherein the computer program operative to
manipulate the captured remote information is located on the portable remote
information capture device. Examiner notes that because the portable remote
information capture devices performs the functions of displaying and capturing the
remote information, it also has computer program stored therein to instruct the hardware
to perform these functions.

20.   Regarding claim 31, Kolls discloses the system according to claim 1, and further
discloses wherein the computer system is a laptop computer, and wherein the computer

program operative to manipulate the captured remote information manipulates the

captured remote information located on the laptop computer (figure 5, paragraph 50).

Examiner notes that Koll teaches system 500 can be connected to a laptop, which

would function as a vending machine for conducting e-commerce.

21.   Regarding claim 32, Kolls discloses the system according to claim 1, and further

discloses wherein the computer system is a database server, and wherein the computer

program operative to manipulate the captured remote information manipulates the

captured remote information located on the database server (paragraph 116, 138).

22.   Regarding claim 33, Kolls discloses the system according to claim 1, and further

discloses wherein the remote information capture device accesses the computer system

through a docking cradle (embodiment of system 500 being on a palm).

23.   Regarding claim 34, Regarding claim 36, Kolls discloses the system according to

claim 1, and further discloses wherein the remote information capture device accesses

the computer system through a dial up connection (modem 544).

24.   Regarding claim 36, Kolls discloses the system according to claim 1, and further

discloses wherein storing the captured remote information on the accessible computer

system is done in batch files (paragraph 218).

25.   Regarding claim 37, Kolls discloses the system according to claim 1, wherein

storing the captured remote information on the accessible computer system is done in

real time (cell phone example in figure 3F, server described in paragraphs 86, 87). The

examiner asserts that communications over a network such as LAN or WAN are

performed with no perceptible delay, and thus are real time.

26. Regarding claim 38, and 39, Kolls discloses the system according to claim 1, and further discloses wherein the consumer's ID is a driver's license or a loyalty rewards card (paragraph 161). Examiner notes that both of these Identification are either smardcards or magnetic cards.

27. Regarding claim 40, Regarding claim 36, Kolls discloses the system according to claim 1, and further discloses wherein the portable remote information capture device accesses the computer system over the Internet (51).

28. Regarding claim 41, Kolls discloses the system according to claim 21, and further discloses wherein the remote information further comprises the captured consumer photo (paragraph 98).

29. Regarding claim 42, Kolls discloses the system according to claim 29, and further discloses wherein the captured consumer photo is associated with the consumer personal data through an image number. Examiner notes that photos can be named arbitrarily by letters and/or numbers.

30. Regarding claim 44, Kolls discloses the system according to claim 32, and further discloses an electronic marketing engine for electronic marketing utilizing the captured data (paragraph 116, 138).

31. Regarding claim 46, Kolls discloses the system according to claim 32, and further discloses means for driving customers to a website utilizing captured data (background). Kolls describes prior art which utilizes PC to conduct e-commerce by browsing webpages, since a user of PC enters information into the PC to be directed to a website. Some well-known examples of such systems are Ebay and Amazon.

32.   Regarding claim 47, Kolls discloses the system according to claim 31, and further

discloses wherein the computer program comprises an incorporator for incorporating

captured data within a multimedia presentation (figure 4, video/audio record and

playback means). The examiner asserts playback of a video (along with sound) is a

multimedia presentation.

Claim Rejections - 35 USC § 103

33.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

34.   Claims 9, 43, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kolls further in view of Winters (PG Pub 2001/0034635).

35.   Regarding claim 9, Kolls disclose claim 1, but does not disclose explicitly a

module for managing rewards. However, Winters further discloses a global rules

manager module for managing rewards (digit collectibles – LEDOS and other incentives

on LEDOS e-commerce site). Furthermore, teachings of Winters, Gilberto and Kolls are

from the same field of electronic commerce.

Therefore, it would have been obvious at the time of invention to combine

Winters's teachings with Kolls's teachings by implementing a similar website as

disclosed by Winters, or providing a link to LEDOs website disclosed by Winters (after

registering with LEDOs website, see paragraph 14, Winters) in the system disclosed by
Kolls for the benefit of attracting and retaining customers (paragraph 12, Winters).

36.   Regarding claim 45, Kolls discloses claim 30 but does not disclose explicitly an
electronic contest generator. However, Winters further discloses an electronic contest
generator (paragraph 40, instant-win, lottery, redemption points). Examiner notes that
the same reasons in rejection of claim 9 can be applied to use the contest generator
disclosed by Winters in the system of Kolls.

37.   Regarding claim 43, Kolls discloses claim 30 but does not explicitly teach an
Internet address generator. However, the examiner asserts that generating user
information such as email addresses to match a user name is well known in the art of e-
commerce. An example is given by Winters (paragraph 73) in which e-mail information
can be automatically filled in for the user. Therefore it would have been obvious to
incorporate this feature into the system disclosed by Kolls for the benefit of providing
convenience to the user.

38.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolls
further in view of Sugar et al (PG Pub 2002/0029164).

39.   Kolls discloses claim 1 but does not teach explicitly capturing parking data
remotely. However, Sugar discloses the system wherein the remote information is
parking data (paragraph 27). Furthermore, teachings of Sugar and Kolls are from the
same field of e-commerce.

Therefore it would have been obvious at the time of invention to combine Sugar's invention with Kolls's invention by adding the website features to reserve and pay for parking disclosed by Sugar into the system disclosed by Kolls for the benefit of reducing cost in handling parking operations.

40.   Claims 28 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolls and further in view of Java GUI programming (teachings readily available over the Internet or in textbooks, relevant chapters are attached to previous office action).

41.   Regarding claims 28, 35, and 48, Kolls discloses demographic data capture screen (customer survey 168), but does not teach the various buttons and lists used for data entry. However, programming languages such as Java has provided numerous GUI (graphical user interface) data entry features, including buttons and selection lists.

Teachings of Kolls and Java GUI are from the same field of computer user interfaces for data entry. Therefore, it would have been obvious for a person of ordinary skill at the time of invention to program GUI with buttons and selection lists in data capture screens for the benefit of easy data entry.

42.   Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolls in view of Winters and further in view of Java GUI programming.

Regarding claim 48, Kolls and Winters combined discloses email capture screen, but does not teach the various buttons and lists used for data entry. However,

programming languages such as Java has provided numerous GUI (graphical user interface) data entry features, including buttons and selection lists.

Teachings of Kolls, Winters and Java GUI are from the same field of computer user interfaces for data entry. Therefore, it would have been obvious for a person of ordinary skill at the time of invention to program GUI with buttons and selection lists in data capture screens for the benefit of easy data entry.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Sun whose telephone number is (571) 272-2675. The examiner can normally be reached on M-F, 10:30am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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SS

KIM HUYNH
SUPERVISORY PATENT EXAMINER
1/19/05